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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,140	02/22/2002	Jorg Arnold	34691/243031	7682
826	7590	10/20/2003	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			ZIMMERMAN, GLENN	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 10/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,140

Applicant(s)

ARNOLD, JORG

Examiner

Glenn Zimmerman

Art Unit

2879

~ The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-42 and 44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-42 is/are allowed.
- 6) ☒ Claim(s) 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Amendment, filed on September 22, 2003, has been entered and acknowledged by the examiner.

Drawings

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on September 22, 2003 has been approved.

Allowable Subject Matter

The indicated allowability of claim 44 is withdrawn in view of the newly discovered reference(s) to Wurster U.S. Patent 4,163,171. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntosh U.S. Patent 6,018,216 in view of Wurster U.S. Patent 4,163,171.

Regarding claim 44, McIntosh teaches a light source comprising a bulb (**col. 4 line 38**), a filament mounted (**the wall of the radiant secondary Fig. 4 ref. 200**) within the bulb and which has an arcuate configuration (**Fig. 4 ref. 200 and col. 5 line 65**) when viewed in plan so as to define a space (**cylindrical radiant cavity Fig. 3 ref. 106**) within the bulb which is at least partially enclosed by the filament, and an electrical heating device (**tungsten filament wire ref. 102**) for heating the filament whereby the filament can be heated to cause the emission of visible light and heat radiation (**abstract; claim 1**), the heating device including an incandescent heating (**tungsten filament wire ref. 102**) element positioned within the space for indirectly heating the filament, wherein the bulb is at least partially filled with a halogen gas (**col. 8 lines 41-45**), but fails to teach a halogen gas which contains bromine and/or iodine. Wurster in the analogous art teaches a halogen gas which contains bromine and/or iodine in the incandescent heating element (**col.1 lines 8-11**). Additionally, Wurster teaches incorporation of such a halogen gas containing bromine to improve the lamp by not allowing the evaporated tungsten particles to deposit on the lamp bulb, but having them deposited back on the tungsten filament (**col. 1 lines 11-15**) also the lamp remains unblackened throughout its service and remain substantially constant during its service (**col. 1 lines 15-20**).

Consequently it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use a halogen gas which contains bromine and/or iodine in the radiant cavity of McIntosh since such a modification would improve the lamp by not allowing the evaporated tungsten particles to deposit on the lamp bulb, but having them deposited back on the tungsten filament and have the lamp remain unblackened throughout its service and remain substantially constant during its service as taught by Wurster.

Allowable Subject Matter

Claims 25-42 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 25, the following is an examiner's statement of reasons for allowance: The prior art of record neither shows nor suggests a light source including the combination of all the limitations as set forth in claim 25, and specifically wherein the heating device further comprises an electrical circuit connecting the filament and the heating element in series could not be found elsewhere in prior art.

Regarding claims 26-42, claims 36-42 are allowed for the reasons given in claim 25, because of their dependency status on claim 25.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Zimmerman whose telephone number is (703) 308-8991. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703) 305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is n/a.



Glenn Zimmerman

